

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM BECK,

Plaintiff,

Hon. Richard Alan Enslen

v.

Case No. 1:06-cv-005

JAN LOTZ,

Defendant.

ORDER

This matter is before the Court on Plaintiff's Motion to Proceed In Forma Pauperis on Appeal. As discussed below, Plaintiff's motion is **denied**.

Asserting that the issues raised in his complaint had been resolved, Plaintiff moved to dismiss his complaint on February 1, 2006. The Court granted Plaintiff's motion on February 21, 2006. Plaintiff subsequently appealed the dismissal of this matter. On March 30, 2006, the Court issued a Deficiency Order instructing Plaintiff that he "has failed to pay the filing fee or to apply in the manner required by law to proceed *in forma pauperis*."

Plaintiff was instructed that if he wanted to proceed as a pauper on appeal he must file within 30 days "a motion for leave to proceed *in forma pauperis*, a certified copy of a prisoner trust account statement, and an affidavit of indigence." Plaintiff was further instructed that if he failed to comply with this requirement:

the Court of Appeals may dismiss his appeal for failure to prosecute under Rule 3 of the Federal Rules of Appellate Procedure. *McGore v. Wigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997). In that case, this Court will assess the entire filing fee, which will be payable in full

regardless of the previous dismissal. *Id.* In addition, the appeal will not be reinstated even if Plaintiff subsequently pays the filing fee or requests to proceed as a pauper. *Id.*

(Mar. 30, 2006 Order). While Plaintiff has submitted a motion to proceed as a pauper, he has failed to submit a certified copy of his prisoner trust account or an affidavit of indigence. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Proceed as a Pauper (Dkt. No. 11) is **denied**.

A copy of this order shall be certified by the Clerk to the Court of Appeals. FED. R. APP. P. 3(d).

DATED in Kalamazoo, MI:
May 19, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE